Civil Contempt Petition No. 254 of 2006

Hon. Prafulla C. Pant, J.

Heard.

This contempt petition has been moved complaining disobedience of this Court's order dated No. 1034 of 2006 (M/S), wherein it has been directed that the courts below shall consider paper No. 99-C, while deciding the question, as to the protection of tenant from eviction under Section 20(4) of U.P. Act 13 of 1974.

From the contempt petition and the affidavit filed with it, it is clear that the District Judge has fixed the date 26.08.2006, for hearing.

From these facts it appears that District Judge in exercising the powers of Judge, Small Cause Court, has to comply the directions of this Court in deciding the S.C.C. suit No. 04 of 1995, filed before it.

Learned counsel for the petitioner submitted that the District Judge observed in the open court that the order passed by this Court is ex-parte order and defendant did not contest it. The said observation of the respondent does not appear to be untrue, as such, there is no disobedience of the court's order on the part of the respondent.

This contempt petition is dismissed in limine. Notices issued are discharged.

(P. C. Pant, J.)

Dt. 24.08.2006
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